

**BEFORE THE APPEALS BOARD  
FOR THE  
KANSAS DIVISION OF WORKERS COMPENSATION**

**CHARLES WAYNE BENFIELD**

Claimant

VS.

**RYDER INTEGRATED**

Respondent

and

**RYDER SERVICES CORPORATION**

Insurance Carrier

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Docket No. 251,966

**ORDER**

Respondent appealed the May 10, 2001 Award entered by Administrative Law Judge Jon L. Frobish. Oral argument was presented to the Appeals Board on November 20, 2001.

**APPEARANCES**

Claimant appeared by his attorney, Harry M. Bass of Independence, Kansas. Respondent and its insurance carrier appeared by their attorney, Clifford K. Stubbs of Roeland Park, Kansas.

**RECORD AND STIPULATIONS**

The record and stipulations as set forth in the Award of the ALJ are adopted by the Appeals Board.

**ISSUES**

This is a claim for an April 29, 1998 accidental injury to claimant's upper extremities. The ALJ granted claimant a 12 percent permanent partial disability based upon the

functional impairment rating of Dr. Pedro A. Murati. Respondent contends the percentage of impairment is 4 percent as determined by Dr. V. C. Patel. Respondent further argues that future medical treatment compensation should be denied.

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Having reviewed the entire record, the Appeals Board makes the following findings of fact and conclusions of law:

The Appeals Board finds that the 12 percent permanent partial disability award should be affirmed. The Appeals Board agrees with the ALJ's analysis of the evidence as set forth in the Award. In particular, the Board agrees that, in this instance, greater weight should be given to the opinion of Dr. Murati.

Respondent also argues that the ALJ erred by awarding claimant future medical benefits "upon proper application to and approval by the Court" because claimant suffered an intervening injury or aggravation of his carpal tunnel syndrome in his subsequent employment. Accordingly, respondent contends it cannot be liable for any of claimant's future medical treatment. The Board finds that the record does not prove an intervening injury. But, if there was or is in the future, respondent is protected from liability for any subsequent aggravation by the terms of the ALJ's Award. Claimant must apply to the ALJ for approval of any future medical treatment. Before any treatment is authorized, claimant will be required to prove that his need for such treatment was caused by and is directly attributable to his work-related injury with respondent.

The Appeals Board agrees with the findings of fact and conclusions of law that are set out in the Award. It is not necessary to repeat those findings and conclusions. Therefore, the Appeals Board adopts the ALJ's findings and conclusions as its own as if specifically set forth herein.

#### **AWARD**

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Award of Administrative Law Judge Jon L. Frobish dated May 10, 2001, should be, and is hereby, affirmed in all respects.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of November 2001.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c: Harry M. Bass, Attorney for Claimant  
Clifford K. Stubbs, Attorney for Respondent  
Jon L. Frobish, Administrative Law Judge  
Philip S. Harness, Workers Compensation Director